

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.146 OF 2022

Rosemaria Paulose Pallathu Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Ujjwal S. Gandhi, Advocate for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondents-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.1248/2021 registered at Sakinaka Police Station, Mumbai on 14.12.2021 under Sections 420, 406 read with 34 of the Indian Penal Code.
2. Heard Shri Ujjwal Gandhi, learned for the applicant and Ms. Sharmila Kaushik, learned APP for the State.
3. The FIR is lodged by one Miss Firdose Khan. She has stated that in 2018 she was introduced to the applicant

and one Kavita in the year 2018. It is her case that both of them told the informant that they were in a position to get a job as a cabin crew in airlines. For that the informant would have to pay some money. On 18.4.2019, Kavita and the applicant called the informant to the office of AVOHA Institute of Aviation and Hospitality. There the informant gave the cheque of Rs.1,80,000/-. The applicant and Kavita were residing at Mira Road. The informant was also residing at Mira Road. In the same evening, both of them came to the informant's house and requested payment of the said amount in cash. Therefore, the informant gave that amount in cash on return of the cheque. On 18.4.2021, her interview was conducted by Spicejet and EuroAtlantic Airways. The FIR mentions that further interviews were carried out at different places i.e. Worli, Hyderabad and Delhi, but, no call letter was given to her. The informant was sent to different places by the applicant and no job was not given to her. On one occasion, the informant received an email from TruJet Airlines. The informant got suspicious of its authenticity. She,

therefore, asked Kavita. She did not give proper answers. The informant realized that she was cheated. Therefore, she started demanding her money from the accused Kavita. She avoided to return the money. She stopped responding to her phone-calls. The informant had come to know that one more victim was also similarly cheated and she approached the police. Thus, on these allegations, the FIR is lodged.

4. Learned counsel for the applicant submitted that the applicant was merely an employee working with AVOHA Institute of Aviation and Hospitality. The applicant was given appointment letter for joining the service from 1.8.2018. He submitted that as a part of her employment she was dealing with the customers. She is not a beneficiary. The interviews were actually arranged. The informant was given air-ticket to Hyderabad and the air-ticket shows that it was issued at the instance of Kavita and not at the instance of the present applicant. He submitted that there was reference in the FIR of an email. It was issued by one Nivedita Gupta who was working with TruJet Airlines.

5. Learned APP opposed this application. She submitted that cash was accepted by the applicant and, therefore, she is equally responsible. She further submitted that apart from the victims mentioned in the FIR, there are two more victims who were similarly cheated.

6. I have considered these submissions. At this stage, there is sufficient substance in the arguments of learned counsel for the applicant that the applicant was merely an employee working in AVOHA Institute of Aviation and Hospitality. The other accused was the employer of the applicant. Therefore, in the course of her employment, the applicant was dealing with the customers and she was not benefited personally from this transaction. The applicant was merely acting in the capacity of an employee of AVOHA Institute of Aviation and Hospitality and she may not be the beneficiary.

7. In this view of the matter, the applicant's custodial interrogation would not be justified. She will have to attend the concerned police station and co-operate with the

investigation. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.1248/2021 registered with Sakinaka Police Station, Mumbai, the applicant is directed to be released on bail on her furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station on 7th, 8th and 9th February, 2022 between 1.00 p.m. to 5.00 p.m. and shall cooperate with the investigation. In addition, the applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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Date: 2022.01.21
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(SARANG V. KOTWAL, J.)

Deshmane (PS)